

III. REMARKS

1. Claims 1, 6, 12, 13 and 14 are amended. Claims 16 and 17 are new.
2. An interview was held on August 21, 2007 between the Examiner and William Knotts, during which claims 1 and 16-18 were discussed. The substance of the interview is as follows:

It was explained to the Examiner that claim 1 calls for the device receiving information from all of the physical condition arrangement, a physical activity arrangement, a location arrangement and a task monitoring arrangement. Relevant portions of the specification that define the physical activity and task monitoring of the user were pointed out to the Examiner. The Examiner suggested that we narrow the claims to include specific examples of the physical activity and tasks of the user.

With respect to claim 16, it was explained to the Examiner that the reference DuRousseau (US 2002/0077534) does not disclose determining whether the user is alone. It was noted that claim 16 requires that the physical activity arrangement monitors both the presence of others and whether the user is speaking. The Examiner noted the speech signals monitored by DuRousseau noted that an assumption was made that the user interface control of DuRousseau probably detected whether the user was alone when making the rejection.

With respect to claims 17 and 18, it was explained to the Examiner that DuRousseau did not disclose a task monitoring arrangement that sends information about a task or work the user is performing (claim 17) or that the context based decision is made based on the ability of the user to receive the information (Claim 18). It was explained that DuRousseau discloses monitoring various actions of the user, for controlling a graphical user interface and does not convey to a control unit a task or work the user is performing. The GUI of DuRousseau is an alternative to using e.g. a mouse and

keyboard and is not the same as what is claimed in claim 17. With respect to claim 18, the Examiner noted the rules based suggestion engine of Richton (US 6,650,902) can be preprogrammed to convey messages to the user at certain times. Applicant noted that there is nothing in Richton that discloses sending the message or notifying the user of the message depending on the ability of the user to receive the information (i.e. whether the user is in a meeting, etc.).

3. Claims 1-6, 8 and 12-15 are patentable under 35 U.S.C. 103(a) over Reuss et al. (US 6,364,834, hereinafter "Reuss") and Richton (US 6,650,902). Claim 1 recites that the wireless receiver is configured to "receive information" from a physical condition arrangement, a physical activity arrangement, a location arrangement and a task monitoring arrangement. Applicant would like to call the Examiner's attention to the term "and" in the above-cited language of Applicant's claim 1 in that all of the physical condition arrangement, a physical activity arrangement, a location arrangement and a task monitoring arrangement must be present in the references. The combination of Reuss and Richton fails to disclose or suggest all of the features claimed by Applicant.

Reuss discloses a medical monitoring system comprising at least one patient monitor (16), at least one central monitoring system (14) and at least one remote access device (200) which are networked together through a wireless communication system to provide patient care as well as data storage and retrieval (Col. 7, L. 1-14). The central monitoring system (14) controls the remote monitoring process completely, including the selection of medical parameters and/or waveforms to be determined by a patient monitor (16) borne by the patient or located at bedside (Col. 7, L. 15-19). The patient monitor provides sensors for monitoring a number of physiological parameters including but not limited to electrocardiogram, non-invasive blood pressure, SpO₂ via pulse oximetry, respiration, temperature, invasive pressure lines, gas monitoring and cardiac output. The patient monitor includes a transceiver, or a transmitter and a receiver, a display and a keyboard. (Col. 4, L. 5-15; Col. 7, L. 47-56; Col. 10, L. 49-61). The remote access devices allow a caregiver to obtain updated information from the central monitoring system as well as allow communication from one access device to another

access device or to the central monitoring system (Col. 5, L. 13-37). The remote access device can alternatively be operated as a medical alert system in which either the patient monitor directly contacts the remote device on discovering an alarm condition or the patient monitor transmits this information to the central monitoring system (Col. 5, L. 38-42).

Reuss does not disclose or suggest that the patient monitor (16), the central monitoring system (14) or the remote access device (200) receives information from each one of a "physical condition arrangement," a "physical activity arrangement," a "location arrangement" and a "task monitoring arrangement" as recited by Applicant. The patient monitor (16), central control system (14) and remote access devices (200) in Reuss only monitor, record and alert a caregiver of information pertaining to electrocardiogram, non-invasive blood pressure, SpO₂ via pulse oximetry, respiration, temperature, invasive pressure lines, gas monitoring and cardiac output (i.e. a patient's physical condition) and nothing more. There is no disclosure of a "physical activity arrangement", a "location arrangement" or a "task monitoring arrangement".

The Examiner argues that "receiving information from a physical condition arrangement, a physical activity arrangement, a location arrangement and a task monitoring arrangement" can be found at column 15, lines 28-60 of Reuss, however this cited section of Reuss only appears to disclose examples of the remote access devices (200) (i.e. a hand held computer or PDA) and nothing more. Thus, because Reuss only discloses monitoring a patient's physical condition, Reuss cannot disclose receiving information from a "physical activity arrangement," a "location arrangement" and a "task monitoring arrangement" as recited in Applicant's claim 1.

Combining Reuss with Richton does not appear to remedy the above noted deficiencies. Richton only discloses a wireless telecommunications system that uses location or position information of a wireless mobile unit to initiate the sending of location specific information to travelers. As position information is received, it is compared to prestored position information of a remote location, such as an airport. As the traveler approaches

the remote location, and gets within a certain distance of the remote location, information such as airline arrival information is retrieved and sent to the wireless mobile unit of the traveler. (Abstract).

Richton does not disclose or suggest a wireless receiver configured to receive information from "physical condition arrangement," a "physical activity arrangement", a "location arrangement" and a "task activity arrangement" as claimed and defined by Applicant. It is noted that the Applicant may be his own lexicographer and that the terms physical activity and task are defined in Applicant's specification at page 1, line 32 through page 2, line 4; page 4, line 33 through page 5, line 2; and page 5, lines 21-27. In Richton only location information is received in the mobile unit. Richton enables the use of "location finding" capabilities of wireless telecommunication systems (Col. 2, L. 40-44). The system in Richton only provides "location-based services based on location" of the unit (Col. 2, L. 65 – Col. 3, L. 8). Richton does not disclose or suggest "physical condition arrangement," a "physical activity arrangement" and a "task activity arrangement".

At best, the combination of Reuss and Richton appears to disclose receiving information pertaining to a physical condition of a patient and the location of a mobile unit. However, this is not what is claimed by Applicant. Claim 1 recites receiving information from a physical condition arrangement, a physical activity arrangement, a location arrangement and a task monitoring arrangement. The combination of Reuss and Richton does not disclose this feature because their combination fails to disclose or suggest receiving information from a physical activity arrangement and a task monitoring arrangement in addition to receiving information from a physical condition arrangement and a location arrangement.

Therefore, claim 1 is patentable over the combination of Reuss and Richton. Claims 6 and 12-14 are patentable over the combination Reuss and Richton for reasons substantially similar to those described above with respect to claim 1. Claims 2-5, 8 and 15 are patentable at least by reason of their respective dependencies.

3. Claims 16-18 are patentable over the combination of Reuss, Richton and DuRousseau (US 2002/0077534). Claims 16-18 depends from claim 1, which for the reasons described above are patentable over the combination of Reuss and Richton. Because Reuss and Richton do not disclose all the features of claim, it is submitted that the combination of Reuss, Richton and DuRousseau cannot as well. Thus, claims 16-18 are patentable over the combination of Reuss, Richton and DuRousseau at least by reason of their dependencies.

Further, claim 16 recites that the activities that the physical activity arrangement is configured to monitor include whether the user is alone and if the user is speaking. This is not disclosed or suggested by the combination of Reuss, Richton and DuRousseau. It is acknowledged in the Office Action that the combination of Reuss and Richton does not disclose this feature. However it is argued in the Office Action that DuRousseau discloses this feature at paragraph [0024]. All paragraph [0024] of DuRousseau discloses is a series of transducers worn on the human body to provide volitional control of a graphical user interface. Again, Applicant would like to call the Examiner's attention to the term "and" in claim 16 in that the physical activity arrangement is configured to monitor whether the user is alone and if the user is speaking. At best DuRousseau can detect if a user is speaking for controlling the graphical user interface and nothing more. There is absolutely no disclosure in DuRousseau of monitoring whether the user is alone. Thus, claim 16 is patentable over the combination of Reuss, Richton and DuRousseau for this additional reason.

Claim 17 recites that the task monitoring arrangement is configured to send the control unit information about a task or work the user is performing. Paragraph [0024] of DuRousseau does not disclose this feature for reasons similar to those described above with respect to claim 16. While DuRousseau discloses acquiring signals from mental and/or physical processes such as brainwaves, eye, hearts and muscle activities, larynx activities, body position and motion changes and stress indicating measures there is no disclosure of sending to a control unit information about a task or work the user is performing as described by Applicant as the task monitoring arrangement is defined on

page 5, lines 21-27 of the specification (see also page 1, line 27 through page 2, line 10). The signals in DuRousseau are only for controlling a graphical user interface and are not the same as the task or work the user is performing as recited in claim 17 which includes whether the user is using a personal computer or in a conference room at a meeting (see Applicant's specification at page 5, lines 23-27). The monitoring system of DuRousseau is merely an alternative to using e.g. a mouse and keyboard of a computer which do not convey a task or work to a control unit as recited in claim 17, but rather merely provide a way to operate the computer. Thus, claim 17 is patentable for this additional reason.

Claim 18 recites that the context-based decision is further based on information about the activity of the user, an ability of the user to receive a piece of information from the reminder, an ability of the user to take actions in response to the information from the reminder, a user's location, a time of day, and a task the user is performing. Please note the use of the term "and" in claim 18.

The Examiner cites to Richton and DuRousseau in support of the rejection of claim 18, however, it is noted that the feature of the context-based decision being based on an ability of the user to receive a piece of information from the reminder is not addressed by the Examiner in the rejection. It is noted that the ability to receive the information recited in claim 18 is a separate claim element than the user's ability to take actions in response to the information (although both are required by the claim language as evidenced by the term "and" in the claim). DuRousseau appears to be silent as to a context-based decision being made based on a user's ability to receive information. Richton also appears to be silent as to a context-based decision being made based on an ability of a user to receive information. Moreover, in Richton when a user is within a certain distance of a location information is sent to the user regardless of an ability of the user to receive the information. The Rules-based suggestion engine disclosed at column 12, lines 44-61 in Richton sends messages regardless of whether the user can receive that information (i.e. the revised flight schedule is transmitted regardless of where the user is or what the user is doing). This is not the same as what is claimed by

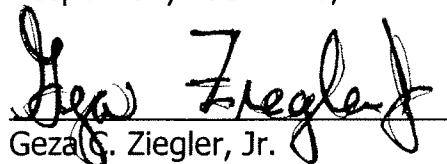
Applicant (see page 2, lines 27-32 for examples if the user's ability to receive information; e.g. the user is in a meeting). Further, Reuss appears to be silent as to a context-based decision being made based on a user's ability to receive information. All that is disclosed in Reuss is that when an alarm condition is discovered the patient monitor directly contacts the remote access device or the central monitoring system (Col. 5, L. 38-42).

Thus, claim 18 is patentable because the combination of Reuss, Richton and DuRousseau does not disclose or suggest that the context-based decision is further based on information about the activity of the user, an ability of the user to receive a piece of information from the reminder, an ability of the user to take actions in response to the information from the reminder, a user's location, a time of day, and a task the user is performing. In particular, the combination of Reuss, Richton and DuRousseau does not disclose making a context-based decision being based on an ability of the user to receive a piece of information from the reminder, thus failing to satisfy the "and" requirement recited in claim 18.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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